

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America

v.

KEITH R. LESSARD

Case No.

2:20-mj-00106

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 16, 2020 in the county of Kanawha in the  
Southern District of West Virginia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 876(d)

Mailing threatening communications

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

  
Complainant's signature

James F. Lafferty, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/10/2020

  
Judge's signature

City and state: Charleston, West Virginia

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

**AFFIDAVIT**

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

I, James F. Lafferty, having been duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately eighteen years. I am currently assigned to the Charleston, West Virginia, Resident Agency of the Pittsburgh Division. My primary experience as a FBI Special Agent is in investigations related to complex white-collar crime matters, including extortion involving the mail and wire transmissions. I have extensive experience and training regarding federal criminal law and criminal investigations, interviewing techniques, writing search warrant affidavits, working with witnesses and informants, and other matters relevant to investigating and prosecuting violations of federal law. I have a bachelor's degree from West Virginia University in Business Administration and am a Certified Public Accountant with a license currently on inactive status.

**PURPOSE OF AFFIDAVIT**

2. I make this affidavit in support of a criminal complaint and warrant for the arrest of KEITH R. LESSARD (hereinafter, "LESSARD") for a violation of 18 U.S.C. § 876(d) – mailing interstate communications intended to extort money by threat to injure the reputation of a person. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. This affidavit includes only those facts I believe are necessary to establish probable cause for the issuance of the requested

complaint and arrest warrant and does not include all of the facts uncovered during the investigation.

### **FACTS ESTABLISHING PROBABLE CAUSE**

3. As set forth in more detail below, beginning in August 2019 and continuing through June 23, 2020, KEITH R. LESSARD (hereinafter, "LESSARD"), a 40 year old current resident of Uxbridge, Massachusetts engaged in a series of communications with [REDACTED]

[REDACTED] (hereinafter referred to as "the Victim") and others using email and the United States Postal Service. The communications were part of a scheme to extort money from the Victim by threatening injury to her reputation by claiming that she engaged in illegal prosecutorial misconduct when she served as a Kanawha County, West Virginia Assistant Prosecuting Attorney in 2010-11. The FBI and the United States Postal Inspection Service (USPIS) are conducting the investigation with the United States Attorney's Office for the Southern District of West Virginia. It should be noted that there is no evidence supporting LESSARD's claims of illegal conduct on the part of the Victim.

4. On May 20, 2010, a grand jury convened in the Circuit Court of Kanawha County, West Virginia returned an indictment charging LESSARD with one count of conspiracy and four counts of forgery and uttering, all felonies under West Virginia state law. Two other individuals were also charged in the indictment with conspiracy and other offenses.

5. On July 28, 2010, LESSARD pled guilty in the Circuit Court of Kanawha County, West Virginia to one count of forgery and uttering. The Victim, who was an Assistant Prosecuting Attorney in and for Kanawha County, West Virginia at the time of the plea, negotiated the plea agreement with LESSARD and his counsel, and appeared at LESSARD's plea hearing.

LESSARD was sentenced to one year of probation to be supervised by the Adult Probation Department of the court, effective July 28, 2010.

6. On March 21, 2011, LESSARD appeared before the Circuit Court of Kanawha County, West Virginia, with counsel. The Victim appeared on behalf of the state of West Virginia as an Assistant Prosecutor for Kanawha County. After testing positive for amphetamine and methamphetamine, LESSARD admitted violating the terms of his probation by possessing and using drugs described in the Uniform Controlled Substances Act. The court reinstated LESSARD's probation with a modification requiring him to participate in and successfully complete a Kanawha County Day Report drug rehabilitation program.

7. On October 3, 2011, LESSARD appeared once again before the Circuit Court of Kanawha County, West Virginia, with counsel. The Victim appeared on behalf of the state of West Virginia as an Assistant Prosecutor for Kanawha County. LESSARD admitted violating the terms of his probation for the second time and was sentenced to 60 days' incarceration in the regional jail.

#### **COMMUNICATIONS IN FURTHERANCE OF THE OFFENSE**

8. On August 29, 2019, LESSARD, using e-mail address, [REDACTED] sent an e-mail to an employee of the Kanawha County Commission [REDACTED]. The e-mail was addressed, "To whom it may concern." In the e-mail, LESSARD referenced his 2010 Kanawha County Circuit Court case and alleged that the proceedings were conducted illegally. LESSARD claimed that his indictment arose from a conspiracy involving unidentified FBI agents and the Kanawha County Prosecutor. LESSARD asserted that an individual he identified as [REDACTED] pretending to be him, contacted a Kanawha County Commission employee via e-mail and reached a settlement with Kanawha County in the amount of \$200 million in exchange for "no further litigation or



anything at all whatsoever going forward.” LESSARD alleged that [REDACTED] received the \$200 million settlement check. However, he said that [REDACTED] was unable to cash the check, and so she tore it to pieces, burned it and threw the remains in the trash. LESSARD, having now introduced himself as the real LESSARD, offered to accept the same settlement of \$200 million. In the email, LESSARD listed his address as [REDACTED] and identified his telephone number as [REDACTED].

9. On October 9, 2019, LESSARD using e-mail address, [REDACTED], sent an e-mail to the same employee of the Kanawha County Commission, however, this email was addressed to the Victim. LESSARD began the e-mail by referencing a conversation he claimed to have had with the Victim (the Victim advised your affiant that the conversation did not occur). LESSARD wrote that in this alleged conversation, the Victim admitted that in 2010 LESSARD had been “in fact pushed forward through the system in a very illegal and unheard of manner and that my civil rights were heavily violated.” LESSARD advised he wanted to talk about negotiations and that he is interested in same amount mentioned in the August 29, 2019 email.

10. On January 23, 2020, LESSARD using e-mail address, [REDACTED], sent a message to the Victim through [REDACTED]. LESSARD once again discussed his prosecution in 2010 and identified the Victim as the assistant prosecutor who worked the case. LESSARD stated that his charges were supposed to be dismissed when his co-defendants’ charges were dismissed, but instead, someone “penciled my name in w/charges to get me to appear in the court room.” LESSARD wrote, “we have a MAJOR problem and I want to do this without exposing you or anyone involved as it would ruin your reputation and the Kanawha County Judicial System forever.” LESSARD also wrote, “You know what I’m talking about and we need to discuss a settlement and I’ll not say a word because I’m not out to hurt you or your

family or Kanawha County but this huge as you know.” LESSARD listed his e-mail address as [REDACTED] and his telephone number as [REDACTED].

11. On June 14 and 15, 2020, LESSARD contacted LetterStream, a full-service printing and mailing facility located in Scottsdale, Arizona, to request pricing information for three letters he wanted to send to the same person but at three different addresses. LESSARD told LetterStream he wanted to send the letter to the person’s two home addresses and place of business. LESSARD identified this person as a judge. LESSARD asked if it would be possible to send the letter in a way where the person listed as the addressee had to sign for the letter. LESSARD also indicated that the letter he wanted to send was eleven pages long and was saved to his personal computer as a zip file. LetterStream responded that LESSARD would need to upload the letter in a PDF file before it could be mailed using their service.

12. On June 15, 2020, LESSARD created an account with LetterStream using e-mail address [REDACTED] (also listed as LESSARD’s username). The internet protocol (IP) address used to set up the account and to pay for the mailing of the certified letter was 24.151.120.71. An IP address is a unique numerical label assigned to each device connected to a computer network. The IP address can be used to identify the location of the sending “host,” meaning the location of the device used to send the e-mail. The IP address is registered to Spectrum Business, North Oxford, Massachusetts.


13. On June 16, 2020, a certified letter was mailed to the Victim through use of LetterStream’s mailing service. The sender was listed as LESSARD, [REDACTED]. On June 22, 2020, the certified letter was delivered to the Victim at [REDACTED]. The letter consisted of black-and-white photographs printed on copy paper of each page of an eleven-page letter

handwritten on perforated notebook paper. The letter was signed, "Keith R. Lessard."

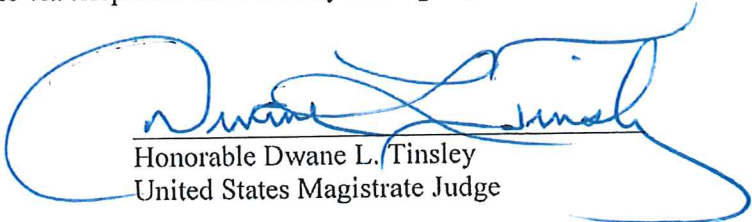
14. In the eleven-page letter received by the Victim, LESSARD described in detail his grievances with his prosecution in 2010 which he described as "illegal" and a conspiracy involving FBI agents and the Victim. LESSARD wrote that the Victim "ruined my life" and that the Victim and the FBI "destroyed my life." LESSARD then wrote, "But somewhere between my house in Massachusetts and Kanawha County West Virginia someones wallet or purse is going to have to take a pretty nice sized hit. Good news is that's the only thing that has to happen & it can be done very quietly, secretly, and peacefully." LESSARD described the settlement as non-negotiable, however, the dollar amounts could be negotiable, but would have to be a large sum of money. LESSARD asked the Victim to call him at telephone number as [REDACTED].

### CONCLUSION

WHEREFORE, based on the facts detailed above, there is probable cause to believe that on or about June 16, 2020, defendant KEITH R. LESSARD, with intent to extort from the Victim money, knowingly caused to be mailed an interstate communication, that is, a certified letter containing a threat to injure the reputation of the Victim in violation of 18 U.S.C. § 876(d). Because the letter was delivered in Charleston, Kanawha County, West Virginia and within the Southern District of West Virginia, this Court has proper venue pursuant to 18 U.S.C. § 3237(a).

  
James F. Lafferty, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me via telephone this 10th day of August, 2020.

  
Honorable Dwane L. Tinsley  
United States Magistrate Judge